



Montoya, Darlene <dmontoya@nmag.gov>

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## Cuba PD Police

2 messages

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**Loretta Jacquez** <lorettajacquez@cubapolice.us>  
To: dmontoya@nmag.gov

Fri, Jan 27, 2017 at 9:43 AM

Good morning Darlene,

Here are our Policies and procedures that you requested for our agency. Please let me know that you have received Them.

Thank you loretta

*Loretta Jacquez*

*Village of Cuba*

*Police Department Office Clerk*

*P.O. Box 426, 19 East Cordova Ave.*

*Cuba, NM 87013*

*(575)-289-9157 - Ph*

*(575) 289-3116 - Fax*

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### 3 attachments

 **Cuba PD - PP - 1.pdf**  
280K

 **Cuba PD - PP - 2.pdf**  
115K

 **NM PBL SFTY.pdf**  
63K

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: Loretta Jacquez <lorettajacquez@cubapolice.us>

Fri, Jan 27, 2017 at 9:57 AM

Thank you Ms. Jacquez. The LEAB Subcommittee also would like to know how often these policies are reviewed and/or revised. Also, how often officers receive training on them. Please let me know and I will print out your response and attached to the SOPs.

Thank you.

[Quoted text hidden]

—  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501





**Cuba Police Department**  
P.O. Box 426, Cuba New Mexico 87013  
Phone (575) 289-9157  
Fax (575) 289-3116

Jason Griego  
Chief of Police

**SUBJECT: MOS Involved**  
**Shooting & Fatal Incidents**

**REVISION DATE: 1<sup>st</sup> ISSUE**  
**Rev – 03/04/08 Initial Issues**

**NO. OF PAGES: 4**

**1.0 PURPOSE**

To establish guidelines in the event an MOS is involved in any shooting incident, intentional or accidental, or other incident or use of force which results in death or great bodily harm to any person.

**2.0 POLICY**

The Department shall conduct objective and thorough investigations whenever an MOS is involved in any shooting incident, intentional or accidental, or other incident or use of force which results in death or great bodily harm to any person, including any MOS. Any investigative team shall conduct the investigation to maintain integrity in the organization, protect the mental and physical well-being of the involved MOS, maintain community confidence in the investigative process, protect against unwarranted civil liability, and guarantee fair treatment of all persons involved.

**3.0 PROCEDURE**

**3.1 Proper response to an incident shall occur to protect the involved MOS, other persons, and the scene.**

1. A supervisor shall respond to the scene of the incident and take command. The supervisor shall be responsible for maintaining security of the scene and the involved MOS.
  - Medical care for injured persons shall be provided.
  - Identification of witnesses to the incident shall be recorded.
2. The supervisor shall speak briefly with the involved MOS to obtain information about the incident and then initiate notification through Communications to the Chief and chain-of-command of the involved MOS.
  - Only minimal preliminary questions shall be asked and the MOS shall be advised that a more detailed interview shall be conducted by the investigative team at a later time.
  - No stimulants or depressants (including coffee or soft drinks with caffeine) shall be given to the involved MOS, unless necessary and then only administered by medical personnel.
3. In the event an MOS is transported to a medical facility the supervisor shall:
  - Assign an MOS to accompany the injured MOS, and
  - Notify the family of the injured MOS as soon as possible.
4. The supervisor shall request Communications to notify the on-duty field investigator to respond to the scene. If the field investigator is unavailable or involved in the incident, the on-call criminal investigator shall be notified.
  - Upon arrival, the investigator shall assume responsibility for scene security and preservation of evidence.
  - The scene shall not be altered or evidence seized prior to the arrival of the investigation team unless exigent circumstances exist.



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5. The supervisor shall designate an MOS to accompany the involved MOS to a quiet secure area.
  - The circumstances of each incident shall dictate when and where the MOS's weapon is secured as evidence. The weapon shall be taken in a discreet manner and replaced with another weapon, when appropriate.
  - The MOS shall not alter or remove clothing or otherwise cleanse himself so that potential evidence would be destroyed, until authorized by a member of the investigative team.
  - The MOS may contact family members or counsel.
  - When blood or urine samples for prohibited alcohol or drug consumption would not be required by Department procedure, the MOS may request such test(s) at the Department's expense.
  - Involved MOS may only leave the designated area when authorized by the investigative team leader.

### 3.2 Investigative Team

1. The Director will designate an investigative team of at least four investigators and a team leader who will be contacted by Communications.
2. The following criteria for selecting the team members should be considered by the Director.
  - The team should include at least one non-supervisory MOS.
  - Team members should possess:
    - The ability to write detailed, accurate and objective reports,
    - A thorough understanding of Department's SOP's,
    - Good human-relations skills,
    - The ability to successfully conduct an interview to obtain relevant information, and
    - Adequate law enforcement or investigative experience to comprehend the complexities of the incident.

### 3.3 Incident Investigation

1. Investigation team members shall respond to the incident scene when notified.
  - The team leader shall meet with the on-scene supervisor and field investigator and then brief other members.
  - The team leader shall assign specific duties and responsibilities to other members.
  - One member shall be assigned to meet with involved MOS at the pre-designated area and shall:
    - Retrieve articles of evidentiary value, to include but not limited to:
      - Gunshot residue test,
      - Clothing, and/or
      - Equipment,
    - Inform MOS of the type and scope of investigations being conducted and provide the names of the investigation team members conducting the investigations.
    - Advise MOS that they are not currently a criminal suspect.
    - Advise MOS of their Miranda rights.





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2. Two types of investigations shall be conducted.
  - Criminal investigation – to discover all relevant evidence for a determination of whether there was a violation of Department rules, policy, or procedure; whether relevant policy was clearly understandable and effective to cover the incident; and whether prior Department training was adequate.
    - A minimum of two members shall be assigned to the criminal investigation.
    - The information obtained as a result of a criminal investigation may be used for the purpose of the administrative investigation.
  - Administrative Investigation – to discover all relevant evidence for a determination of whether there was a violation of Department rules, policy, or procedure; whether relevant policy was clearly understandable and effective to cover the incident; and whether prior Department training was adequate.
    - A minimum of two members shall be assigned to the administrative investigation.
    - The information obtained as a result of an administrative investigation shall not be used of the purpose of the criminal investigation.
3. At the conclusion of the investigations, separate reports shall be submitted to the Chief, one for the criminal investigation and one for the administrative investigation.

**3.4 Post Incident Procedures**

1. When appropriate, involved MOS may be placed on administrative leave with pay for a period of time to be determined by the Chief.
2. MOS directly involved in the incident shall be required to attend an agency designated specialists for counseling and evaluation as soon as practical after the incident at the Department's expense.
  - Involved support personnel are also encouraged to contact an agency designated specialist.
  - The specialist shall advise the Director of the results of the counseling and evaluation sessions to determine:
    - Whether it would be in the best interest of the MOS to continue an administrative leave or light duty, and for what length of time; and
    - What is the best continued course of counseling.
3. The families of involved MOS are encouraged to seek counseling.
4. The Director should periodically brief Department MOS concerning the incident to curtail rumors.
5. MOS shall not release information about the incident to the news media without authorization from the Director or PIO.
6. When a Department approved firearm has been used in the incident the MOS shall be required to re-qualify with the weapon upon returning to regular assigned duties

**3.5 Daily Stress Recognition**

1. The immediate supervisor of the involved MOS shall monitor their behavior for symptoms of post-traumatic stress disorder.
  - A report of the supervisor's observations shall be forwarded to the Director after 30 days.



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- If the MOS continues to exhibit signs or symptoms of post-traumatic stress disorder after the 30 day observation, a report shall be forwarded to the Director.
2. The Director may order the MOS to seek additional counseling from a specialist dealing in stress disorders.
- 3.6 This procedure is to be used in conjunction with the Department rules and regulations and other relevant policies and procedures.**

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Jason Griego  
Chief of Police



## CUBA POLICE DEPARTMENT USE OF FORCE POLICY - 2010

### I. PURPOSE

The purpose of this policy is to provide law enforcement officers of the Cuba Police Department with guidelines for the use of deadly and non-deadly force.

### II. POLICY

It is the policy of the Cuba Police Department that officer use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

### III. DEFINITIONS

**Deadly Force:** Any use of force that is reasonably likely to cause death.

**Non-deadly Force:** Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

**Objectively Reasonable:** This term means that, in determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the level to the community.

### IV. PROCEDURES

#### A. Use of Deadly Force

1. Cuba Police Department officers are authorized to use deadly force to
  - a. Protect the officer or others from what is reasonably believed to be a threat of death or serious bodily harm; and/or
  - b. To prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others. Where practicable prior to discharge of the firearm, officers shall identify themselves as law enforcement officers and state their intent to shoot.

B. Deadly Force Restrictions

1. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured, when the officer reasonably believes that deadly force can be used without harm to the officer or others.
2. Warning shots will not be fired.
3. Decisions to discharge a firearm at or from a moving vehicle shall be governed by the use-of-force policy and are prohibited if they present an unreasonable risk to the officer or others.

C. Use of Non-Deadly Force

1. Where deadly force is not authorized, officers may use only that level of force that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department-approved, non-deadly force techniques and issued equipment to
  - a. Protect the officer or others from physical harm;
  - b. Restrain or subdue a resistant individual; and/or
  - c. Bring an unlawful situation safely and effectively under control.

D. Training

In addition to training required for firearms qualification, officers shall receive agency-authorized training designed to simulate actual shooting situations and conditions and, as otherwise necessary, to enhance officers' discretion and judgement in using deadly and non-deadly force in accordance with this policy.